



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Denial of Verified Claims Against the City of Lodi

MEETING DATE: January 17, 1996

SUBMITTED BY: Human Resources Director

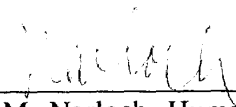
RECOMMENDED ACTION: To approve by motion action, denial of the following verified claims filed against the City of Lodi:

A) Duane Roth, date of loss: 09/22/95

BACKGROUND INFORMATION: Following review of the verified claims filed against the City of Lodi, the City Attorney and/or the City's Contract Administrator, Insurance Consulting Associates, Inc. (ICA), recommend that the City deny the subject claims.

FUNDING: None required.

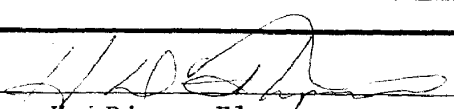
Respectfully submitted,


Joanne M. Narloch, Human Resources Director

Prepared by Marlon Robbins, Human Resources Analyst II.

cc: City Attorney

APPROVED: _____


H. Dixon Flynn
City Manager



CITY COUNCIL

DAVID P. WARNER, Mayor
PHILLIP A. PENNINO
Mayor Pro Tempore
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CITY OF LODI

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City Manager
JENNIFER M. PERRIN
City Clerk
RANDALL A. HAYS
City Attorney

Notice of Claim Rejection

January 17, 1996

Duane L. Roth
425 Flora St.
Lodi, CA 95240

RE: Claim against the City of Lodi
Date of Loss: 09/22/95
Claim Number: 95-61

Dear Mr. Roth:

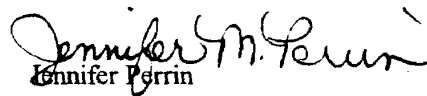
Notice is hereby given that the claim you presented to the City on Lodi on October 24, 1995, is rejected as of the date of this letter.

Warning

Subject to certain exemptions, you have only six (6) months from the date that this notice was personally delivered or deposited in the mail to file a court action on your state law claims. See Government Code Section 945.6. The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act which does not apply to federal causes of action. Additionally, the Tort Claims Act contains certain exemptions. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

Please also be advised that, pursuant to Sections 128.5 and 1038 of the California Code of Civil Procedure, the City will seek to recover all costs of defense in the event an action is filed in this matter and it is determined that the action was not brought in good faith and with reasonable cause.

Sincerely,


Jennifer Perrin
City Clerk

cc: Bill Benson